

# MINUTES OF THE MEETING

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD  
COURTYARD MARRIOTT  
3250 US 41 NORTH  
NAPLES, FL 34103  
OCTOBER 23, 24, 25, & 26, 2007

**OCTOBER 23, 2007**

## APPLICATION REVIEW COMMITTEE

### CALL TO ORDER

Mr. Sasso, Chair of the Committee, called the meeting to order at 9:06 a.m.

### Members Present

Nick Sasso, Chair  
Bob Kymalainen  
Bob McCormick  
Nick Sasso, Chair

### Others Present

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jeffrey French  
Thomas DeGram  
James Kincaid  
Tatiana Gust  
Jonathan Gipe  
Bill Pancake

### REVIEW OF APPLICATIONS

At this time, the Committee reviewed applications of individuals present.

### Jonathan Gipe – Building Inspector and Building Code Administrator

Mr. Gipe was present at the meeting and the Committee approved his applications.

### Thomas Degram – Building Code Administrator

Mr. Degram was present at the meeting and the Committee approved his application.

At this time, the Committee reviewed applications.

### ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:15 p.m.

## **OCTOBER 24, 2007**

### **CALL TO ORDER AND WELCOME**

Mr. McCormick called the meeting to order at 9:00

### **Members Present**

Bob Kymalainen  
Bob McCormick  
Nick Sasso

### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
William Ondulich  
Richard Areyzaga, Jr.  
Nasrulah Rahbari  
Mark Laskowitz  
Fred Martin  
George Licht  
Guy McCauley  
Robert Hannon  
Robert. C. Mainey  
Philip Morretta  
Diana Giraldo  
Charles Hull  
Juan A. Prieto-Arias  
Ruth P. Rogue  
Marshall Dunlap  
Chris Iles  
Roger Edwards  
Susan Falcone  
Herminia Perez  
Janet Mainey  
Robert Perry  
Bill Pancake  
Gene McCartha  
Jerry Myers  
John Poag  
Richard Scalzo

### **REQUEST FOR HEARINGS**

#### **Richard Areyzaga – Building Inspector**

Mr. Areyzaga was present and additional information had been submitted for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the application based on the additional information.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

### **Marshall Dunlap – Building Inspector**

Mr. Dunlap was present and additional information had been submitted for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the application based on the additional information provided and testimony.

SECOND: Mr. McCormick seconded the motion and it passed unanimously.

### **Susan Falcone – Provisional & Standard Mechanical Inspector**

Ms. Falcone was present at the meeting and additional information had been submitted for the Committee's review. During discussion, the Committee asked that her application be reviewed for the building inspector's license for comparison with these applications.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the applications.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

### **Diana M. Giraldo – Provisional Electrical Plans Examiner, Provisional Plumbing Plans Examiner, Provisional Mechanical Plans Examiner, and Provisional 1&2 Family Dwelling Inspector**

Ms. Giraldo was present at the meeting along with Mr. Mark Laskowitz, Deputy Building Official. Additional information was provided at the meeting for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee approve the provisional 1&2 family dwelling inspector application and uphold the denial of the provisional electrical plans examiner, provisional plumbing plans examiner, and provisional mechanical plans examiner applications.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

### **Robert Hannon – Provisional Building Code Administrator**

Mr. Hannon was present at the meeting. He stated that he was hired at the assistant building official for the City of Coral Springs. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee uphold the denial of the application.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

### **Charles Hull – Mechanical Plans Examiner & Provisional Mechanical Plans Examiner**

Mr. Hull was present at the meeting and additional information had been submitted for the Committee's review. He also provided a copy of his transcript for the Committee's review. During discussion it was noted that Mr. Hull would need to have his transcript evaluated.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the applications.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**Christopher Iles – Provisional Building Plans Examiner**

Mr. Iles was present at the meeting along with Mr. Roger Edwards. He provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee approve the application for Osceola County only.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**George T. Licht – Plumbing Inspector**

Mr. Licht was present at the meeting. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the application.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**Robert Christopher Mainey – 1&2 Family Dwelling Inspector – Endorsement**

Mr. Mainey was present at the meeting and provided additional information for the Committee's review. Mr. Mainey previously held a provisional 1&2 family dwelling inspector's license and has passed the examinations required for licensure.

MOTION: Mr. Sasso made a motion that the Committee approve the application for endorsement based on the information provided.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**Fred Martin – Provisional & Standard Electrical Plans Examiner**

Mr. Martin was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the applications.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

**Gene McCartha – Building Code Administrator**

Mr. McCartha was present at the meeting and additional information had been submitted. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the application.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

**Guy McCauley – Provisional Building Inspector & Provisional Building Plans Examiner**

Mr. McCauley was present at the meeting and provided additional information for the Committee's review. Following discussion and the presentation of an affidavit from the Building Official, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee approve the applications based on the new affidavit.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**Philip S. Morretta – Provisional Plumbing Inspector & Provisional Mechanical Inspector**

Mr. Morretta was present at the meeting and additional information had been submitted for the Committee's review. During discussion, Mr. McCormick informed Mr. Morretta that he needed to provide an affidavit from the building code administrator that he was newly hired or promoted to these positions. Mr. Morretta responded that he was not hired to do the plumbing and mechanical inspections.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the applications.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**Herminia C. Perez – Provisional Building Plans Examiner**

Ms. Perez was present at the meeting. During discussion, she informed the Board that she also holds a contractor's license. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the application.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

**Robert Perry – Electrical Plans Examiner and Electrical Inspector**

Mr. Perry was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee uphold the denials of the applications.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

During discussion, the Committee stated that if someone completes the BOAF training program for an inspector category, they would also approve them, if they apply, for the plans examiner category.

**Juan A. Prieto-Arias – Building Inspector**

Mr. Prieto-Arias was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee approve the application.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

**Nasrulah Rahbari – 1&2 Family Dwelling Inspector**

Mr. Rahbari was present at the meeting. He stated that he did not supply additional information. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee uphold the denial of the application.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**Ruth P. Roque – Provisional Building Plans Examiner**

Ms. Roque was present at the meeting and provided additional information for the Committee's review. Following discussion, the following action was taken.

MOTION: Mr. Sasso made a motion that the Committee approve the application.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**William Ondulich – Provisional Building Code Administrator**

Mr. Ondulich was present at the meeting earlier, however, he stated that he was going to leave because he did not meet requirements.

MOTION: Mr. Kymalainen made a motion that the Committee uphold the denial of the application.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 1:00 p.m.

**OCTOBER 25, 2007**

**CALL TO ORDER**

Chair McCormick called the meeting to order at 9:00 a.m.

**Members Present**

Bob McCormick, Chair

Richard Gathright

Bob Kymalainen

Rob Nagin

Nick Sasso, Vice-Chair

**Members Not Present**

Fred Dudley

Dennis Franklin

**Others Present**

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Jessica Leigh, Prosecuting Attorney  
Jeffrey Jones, Board Counsel  
Doug Harvey, Building Officials Association of Florida  
Richard Scalzo  
Frank O'Neill  
Tom Beverly  
David Hodges  
Rob von Kampen, Ph.D., International Code Council  
Bill Pancake  
MaryAnne DeMars, Martina Reporting Services

**Henry Palm – Provisional Building Code Administrator**

Mr. Palm was not present at the meeting.

MOTION: Vice-Chair Sasso made a motion that the Board uphold the denial as he was not in the position.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

**Glen Urquhart – Mechanical Inspector & Mechanical Plans Examiner**

Mr. Urquhart was not present at the meeting. Following discussion, the following action was taken.

MOTION: Mr. Nagin made a motion that the Board uphold the denial of the applications.

SECOND: Vice-Chair Sasso seconded the motion and it passed unanimously.

**SETTLEMENT STIPULATION**

**Thomas Halley Goldsbury – DBPR Case #2006-032129**

**PCP: Nagin, Dudley, Council, Bertolami, Rogers**

Mr. Goldsbury was not present at the meeting, however, Thomas M. Beverly, Esquire, was present on his behalf. Ms. Leigh presented the case to the Board and stated that the Respondent had agreed to a Settlement Stipulation which called for an administrative fine in the amount of \$1,500, costs in the amount of \$277.57, and a written reprimand.

Following discussion, the following action was taken.

MOTION: Mr. Gathright made a motion that the Board accept the Stipulation as presented.

SECOND: Motion died for lack of a second.

MOTION: Mr. Kymalainen made a motion that the Board reject the Stipulation as presented.

SECOND: Vice-Chair Sasso seconded the motion which failed with Chair McCormick and Mr. Gathright voting against the motion.

Following discussion, the following action was taken.

- MOTION: Mr. Gathright made a motion that the Board accept the Stipulation as presented.
- SECOND: Chair McCormick seconded the motion which failed with Vice-Chair Sasso and Mr. Kymalainen voting against the motion.

Mr. Jones stated that if the Board was unable to make a decision, the hearing could be tabled until the next meeting.

Mr. Kymalainen stated that he would like to see 14 additional hours of continuing education be required and then the probation could end once he completes the hours.

Chair McCormick stated that the Board was at a stalemate. Mr. Beverly asked that if Mr. Goldsbury took the hours prior to the next meeting, if the Board would accept them. All members indicated they would with the exception of Vice-Chair Sasso.

- MOTION: Mr. Kymalainen made a motion that the Board table the hearing until the December meeting.
- SECOND: Mr. Gathright seconded the motion and it passed unanimously.

### **PROSECUTING ATTORNEY REPORT – JESSICA LEIGH**

Ms. Leigh reported that there were 13 confidential cases in the Legal Section and four had been sent to an expert, for a total of 17 confidential cases. Of the public cases, one was awaiting outside action, four were formal hearing requests, three were in settlement negotiations, one was set for board presentation, and three were awaiting final orders, for a total of 29 cases in Legal.

Vice-Chair Sasso inquired about the case of the threat to a Building Official. Ms. Leigh responded that it had been forwarded to the State Attorney's office and that it was up to them to prosecute.

### **RECESS**

There being no further business to come before the Board at this time, the meeting was recessed at 10:03 a.m.

### **RULES AND LEGISLATION COMMITTEE CALL TO ORDER**

Mr. Nagin, Chair of the Committee, called the meeting to order at 10:03 a.m.

#### **Members Present**

Rob Nagin, Chair  
Bob Kymalainen

#### **Members Not Present**

Fred Dudley

#### **Others Present**

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst

Jessica Leigh, Prosecuting Attorney  
Jeffrey Jones, Board Counsel  
Bob McCormick, Board Member  
Nick Sasso, Board Member  
Richard Gathright, Board Member  
Doug Harvey, Building Officials Association of Florida  
Richard Scalzo  
Frank O'Neill  
David Hodges  
Rob von Kampen, Ph.D., International Code Council  
Bill Pancake

## **RULES REPORT – JEFFREY JONES**

### **Draft Rules for Continuing Education Requirement Regarding Ethics**

Mr. McCormick provided the Committee with a copy of the proposed language for Rule 61G19-9.001, Florida Administrative Code. Mr. McCormick stated that this was his proposal and this language would establish both of the areas of education that are required.

“1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) hours in the area of accessibility, and, ~~effective in the licensure renewal biennium that begins December 1, 2003,~~ a minimum of two (2) classroom or interactive distance learning hours in the area of Florida laws and rules (other than accessibility and ethics) and, effective in the licensure renewal biennium that begins December 1, 2007, one (1) classroom or interactive distance learning hour in the area of ethics as a condition of the biennial renewal of all certifications held by the certificate holder.

(4) “Laws and Rules” as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters 442, 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C.) as listed in the Board’s Candidate Information Bulletin (CIB) online. “Ethics” as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, F.S., and other ethical principles specifically relevant to the role of licensees of this board.”

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the language as drafted and move forward with rule making for Rule 61G19-9.001, Florida Administrative Code.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

**UPDATE ON RULES 61G19-6.012-PROVISIONAL CERTIFICATES, 61G19-6.017-ONE AND TWO FAMILY DWELLING INSPECTOR CERTIFICATION AND 61G19-9.003-REGISTRATION OF COURSE PROVIDERS, FLORIDA ADMINISTRATIVE CODE**

Mr. Jones informed the Committee that he had received a comment letter from the Joint Administrative Procedures Committee, and he was going to work with them to resolve the issue.

**RULES WORKSHOP TO DISCUSS THE ESTABLISHMENT OF MINIMUM EXPERIENCE REQUIREMENTS**

Mr. Nagin stated that this workshop was to discuss the experience requirements. He stated that this topic was being discussed again because the Building Officials Association of Florida had asked for some direction in this area, and Mr. Dudley suggested discussion. Mr. Nagin stated that the proposal was merely a draft.

Mr. Gathright stated that some individuals only have residential experience and to have in the rules that the experience has to be in four or more stories is too restrictive.

Mr. McCormick commented that he understood that this was brought up during the Building Officials Association of Florida's conference this year, however, he did not really understand why it was up for discussion again. He stated that there was a letter from Don Fuchs with the Building Officials Association of Florida, indicating that they were not in favor of this rule and questioned if they should proceed.

Mr. Sasso stated that this had been brought up so many times and he did not really like it because it boxes them in. He stated that he also sees a problem when the training academy is in place.

Following discussion, the following action was taken.

MOTION: Mr. Kymalainen made a motion that the Committee not proceed with the development of the minimum experience requirements rule.

SECOND: Mr. McCormick seconded the motion and it passed unanimously.

**OLD BUSINESS**

There was no old business to come before the Committee at this time.

**NEW BUSINESS**

Mr. Sasso commented that there is a definition of experience and they should refocus on experience definition which also states "for compensation."

Mr. McCormick stated that there was an issue discussed regarding reciprocity of continuing education. He stated that he thought the discussion was to have a workshop. Mr. McCormick suggested that the Board hold a workshop and invite all the boards and providers of continuing education this Board has reciprocity with. Mr. Kymalainen commented that this Board will accept other board's continuing education credits but they will not accept the credits from this Board. He stated that he was in favor of reciprocity, but not the way it currently works.

Mr. McCormick suggested that a workshop be scheduled for the December meeting and all of the continuing education providers for the Construction Industry Licensing Board, Electrical Contractors' Licensing Board, and Board of Architecture and Interior Design be invited to attend. Mr. Nagin suggested that the staff from the Bureau of Education and Testing and the Executive Directors' from all the board's be invited to attend.

**MOTION:** Mr. McCormick made a motion that the Board conduct a workshop at the December meeting regarding continuing education reciprocity with other boards and all of the continuing education providers be notified of the workshop.

**SECNOD:** Mr. Kymalainen seconded the motion and it passed unanimously.

### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 11:25 a.m.

### **EXAMINATION AND CONTINUING EDUCATION COMMITTEE**

#### **CALL TO ORDER**

Mr. McCormick asked Mr. Kymalainen chair the meeting in Mr. Franklin's absence. Mr. Kymalainen called the meeting to order at 11:25 a.m.

#### **Members Present**

Bob McCormick

Nick Sasso

#### **Members Not Present**

Dennis Franklin, Chair

#### **Others Present**

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Jessica Leigh, Prosecuting Attorney

Jeffrey Jones, Board Counsel

Bob Kymalainen, Board Member

Richard Gathright, Board Member

Rob Nagin, Board Member

Rob von Kampen, Ph.D., International Code Council

Doug Harvey, Building Officials Association of Florida

Richard Scalzo

Bill Pancake

Karen Johnson, International Code Council

Arian Bailey, International Code Council

### **CONTINUING EDUCATION COURSES FOR REVIEW**

#### **MIAMI-DADE COUNTY BUILDING CODE COMPLIANCE OFFICE**

##### **New Courses**

1. Florida Mechanical Code, Smoke Control  
Requesting 1 hour GENERAL credit

2. Storm Drainage Revised  
Requesting 2 hours GENERAL credit
3. The Florida Building Code/Existing Building  
Requesting 2 hours GENERAL credit
4. The Florida Building Code/Residential  
Requesting 2 hours GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee approve all of the courses as submitted.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

#### Course Renewals

1. Chapters 2, 3 and 4 Florida Building Code, Plumbing (0006631)  
Requesting 4 hours GENERAL credit
2. Chapters 5, 6 and 7 Florida Building Code, Plumbing (0006653)  
Requesting 3 hours GENERAL credit
3. Florida Building Code – Mechanical, Chapter 3 – General Regulations (0006696)  
Requesting 1 hour GENERAL credit
4. Florida Building Code – Mechanical, Chapter 4 – Ventilation (0006697)  
Requesting 1 hour GENERAL credit
5. Florida Building Code – Mechanical, Chapter 5 – Exhaust Systems (0006698)  
Requesting 1 hour GENERAL credit
6. Florida Building Code – Mechanical, Chapter 6 – Duct Systems (0006699)  
Requesting 1 hour GENERAL credit
7. Introduction to the Florida Building Code Gas (0006700)  
Requesting 2 hours GENERAL credit
8. Ladders in Construction (0006628)  
Requesting 2 hours GENERAL credit

Following discussion, the following action was taken.

MOTION: Mr. McCormick made a motion that the Committee approve the courses as submitted.

SECOND: Mr. Sasso seconded the motion which passed with Mr. Sasso voting against the motion following discussion.

#### BROWARD COUNTY BOARD OF RULES AND APPEALS

##### New Courses

1. Site Subsurface Exploration and Foundation Design Concepts  
Requesting 3 hours GENERAL credit
2. ASCE 7-02 and the FBC Chapter 16. How They Compare in the HVHZ  
Requesting 3 hours GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee approve the courses as submitted.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

#### J C CODE AND CONSTRUCTION CONSULTANTS, INC.

##### New Course

1. Advanced 2004 Accessibility  
Requesting 2 hours ACCESSIBILITY credit

MOTION: Mr. McCormick made a motion that the Committee approve the course as submitted.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

#### UNIVERSAL INSPECTION SERVICE, INC. - NEW PROVIDER

##### New Course

1. Legal Requirements for Contractors and Inspectors  
Requesting 2 hours LAWS & RULES credit

MOTION: Mr. McCormick made a motion that the Committee approve the course as submitted.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

#### PALM BEACH COUNTY PLANNING, ZONING AND BUILDING

##### Course Renewals

1. Commercial/Industrial Wiring Methods Introduction (0006952)  
Requesting 8 hours GENERAL credit
2. National Electric Code Review (Residential) (0006954)  
Requesting 8 hours GENERAL credit
3. National Electric Code Review (Commercial/Industrial)(0006951)  
Requesting 8 hours GENERAL credit
5. Commercial/Industrial Wiring Methods Advanced (0006956)  
Requesting 8 hours GENERAL credit
6. Residential Wiring (0006953)  
Requesting 8 hours GENERAL credit
7. A Snapshot View of the Laws and Rules Pertaining to the  
Construction Industry in Florida (0006955)  
Requesting 2 hours LAWS & RULES credit
8. Florida Accessibility for Building Construction (0006938)  
Requesting 2 hours ACCESSIBILITY credit
9. Advanced Plan Review Legal Aspects and Interruption (0006948)  
Requesting 8 hours GENERAL credit
10. Fundamentals of Plan Review (0006950)  
Requesting 8 hours GENERAL credit
11. Medical Gas III (0006945)  
Requesting 2 hours GENERAL credit
12. Medical Gas II (0006946)  
Requesting 2 hours GENERAL credit

- Medical Gas I (0006944)  
Requesting 2 hours GENERAL credit
- 13. Introduction to Medical Gas (0006949)  
Requesting 8 hours GENERAL credit
- 14. Proper Venting and Installation for Sanitary Plumbing (0006933)  
Requesting 2 hours GENERAL credit
- 15. Residential Multi-Story and Commercial Sanitary Systems (0006934)  
Requesting 2 hours GENERAL credit
- 16. Survey and Inspection for Cross-Connection Control (0006947)  
Requesting 8 hours GENERAL credit
- 17. Backflow and Cross-Connection (0006942)  
Requesting 2 hours GENERAL credit
- 18. Plumbing Code IV (0006943)  
Requesting 2 hours GENERAL credit
- 19. Plumbing Code III (0006941)  
Requesting 2 hours GENERAL credit
- 20. Plumbing Code II (0006940)  
Requesting 2 hours GENERAL credit
- 21. Plumbing Code I (0006939)  
Requesting 2 hours GENERAL credit
- 22. Air Ducts and Connectors for H.V.A.C. (0006935)  
Requesting 2 hours GENERAL credit
- 23. Inspection Evaluation and Documentation for Commercial Cooking  
Hoods (0006937)  
Requesting 2 hours GENERAL credit
- 24. Building Code Review and Update (0006936)  
Requesting 7 hours GENERAL credit

Mr. Gathright recused himself as the provider is his employer. It was noted for the record that #4 was omitted from the list when numbers were assigned.

Mr. McCormick stated that course #5 referred to local amendments. Mr. Gathright informed the Committee that they do not have the local amendments anymore.

Mr. McCormick stated that in course #9 he objected to the use of the word "advanced." Mr. Gathright stated that the word "advanced" could be removed. It was also noted that the word "interruption" should be "interpretation."

**MOTION:** Mr. McCormick made a motion that the Committee approve all of the courses with the exception of course #5 on which the amendments needed to be corrected and the spelling correction of #9.

**SECOND:** Mr. Nagin seconded the motion and it passed unanimously.

#### B.T. BUILDERS, INC.

##### Course Renewals

- 1. Americans with Disabilities Act with the State of Florida  
Amendments (8 hours) (0006702)  
Requesting 8hours GENERAL, ACCESSIBILITY, LAWS & RULES credit

2. Americans with Disabilities Act with the State of Florida Amendments (2 hours) (0006703)  
Requesting 2 hours ACCESSIBILITY credit
3. Americans with Disabilities Act with the State of Florida Amendments (1 hour) (0006704)  
Requesting 1 hour ACCESSIBILITY credit
4. Fair Housing Act (0006705)  
Requesting 4 hours ACCESSIBILITY, LAWS & RULES credit

MOTION: Mr. McCormick made a motion that the Committee approve course numbers 2 & 3 as submitted. Course numbers 1 & 4 were denied due to inappropriate credit designation for laws and rules.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

#### INTERNATIONAL CODE COUNCIL

##### New Courses

1. 2006 IFC Plans Examiner Certification Exam Practice Course  
Internet  
Requesting 2 hours GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to this Board.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

2. 2006 IBC Electrical Plans Examiner Certification Practice Course  
Internet  
Requesting 2 hours GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to this Board.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

3. 2006 IFC Fire Inspector II Certification Exam Practice Course  
Internet  
Requesting 2 hours GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to this Board.

SECOND: Mr. Nagin seconded the motion and it passed unanimously.

4. 2006 IPC/IMC/IFGC Significant Changes  
Requesting 6 hours GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee approve the course as submitted.

SECOND: Mr. Sasso seconded the motion and it passed unanimously.

5. 2006 IFC Fundamentals  
Requesting 18 hours GENERAL credit  
MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to this Board.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.
6. 2006 from the 2000 IRC Building Provisions Analysis of Changes  
Requesting 6 hours GENERAL credit  
MOTION: Mr. McCormick made a motion that the Committee approve the course as submitted.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.
7. 2006 from the 2000 IBC Analysis of Changes  
Requesting 6 hours GENERAL credit  
MOTION: Mr. McCormick made a motion that the Committee approve the course as submitted.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.
8. 2006 IBC Special Uses and Mixed Occupancies  
Requesting 6 hours GENERAL credit  
MOTION: Mr. McCormick made a motion that the Committee approve the course as submitted.  
SECOND: Mr. Sasso seconded the motion and it passed unanimously.
9. Admin: The Permit Counter – Skills and Strategies for the Front Line  
Requesting 6 hours GENERAL credit  
MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to this Board.  
SECOND: Mr. Sasso seconded the motion and it passed unanimously.
10. Admin: Fundamentals of the ICC Code Development Process  
Requesting 6 hours GENERAL credit  
MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to this Board.  
SECOND: Mr. Sasso seconded the motion and it passed unanimously.
11. Admin: Customer Service for Code Administration  
Requesting 6 hours GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to this Board.  
SECOND: Mr. Sasso seconded the motion and it passed unanimously.

12. 2007 Property Maintenance and Housing Institute  
Requesting 12 hours GENERAL credit

MOTION: Mr. McCormick made a motion that the Committee deny the course as it was not relevant to this Board.  
SECOND: Mr. Nagin seconded the motion and it passed unanimously.

#### DEVELOPMENT SERVICES SARASOTA COUNTY

##### New Courses

1. Contracting  
Requesting 2 hours LAWS & RULES credit
2. Building Code Administrators and Inspectors  
Requesting 1 hour LAWS & RULES credit
3. Florida Building Code  
Requesting 1 hour LAWS & RULES credit

MOTION: Mr. McCormick made a motion that the Committee approve the courses as submitted.  
SECOND: Mr. Sasso seconded the motion and it passed unanimously.

#### **OLD BUSINESS**

There was no old business to come before the Committee at this time.

#### **NEW BUSINESS**

There was no new business to come before the Committee at this time.

#### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 12:39 p.m.

## **EXECUTIVE COMMITTEE**

### **CALL TO ORDER**

Chair McCormick, called the meeting to order at 12:54 p.m.

### **Members Present**

Bob McCormick, Chair

Richard Gathright

Bob Kymalainen

Rob Nagin

Nick Sasso, Vice-Chair

### **Members Not Present**

Fred Dudley

Dennis Franklin

### **Others Present**

Robyn Barineau, Executive Director

Elise Rice, Government Analyst

Jeffrey Jones, Board Counsel

Doug Harvey, Building Officials Association of Florida

Rob von Kampen, Ph.D., International Code Council

Richard Scalzo

## **REVIEW OF PROPOSED AFFIDAVIT OF WORK EXPERIENCE FOR PROVISIONAL CERTIFICATION – NICK SASSO**

Mr. Sasso informed the Committee that the affidavit started out with good intentions. Mr. Jones provided language and the affidavit was supposed to be an additional form. He stated that this affidavit would be acceptable if an individual only applied for one license at a time, however, he felt that this would complicate the process. He suggested no further action.

The Committee agreed to not proceed.

## **PROVISIONAL LICENSE HOLDER WORKING IN ONE JURISDICTION AND PART-TIME IN ANOTHER JURISDICTION – NICK SASSO**

The committee discussed this issue and no action was taken.

## **OLD BUSINESS**

There was no old business to come before the Committee at this time.

## **NEW BUSINESS**

There was no new business to come before the Committee at this time.

## **ADJOURNMENT**

There being no further business to come before the Committee at this time, the meeting was adjourned at 1:05 p.m.

## OCTOBER 26, 2007

### CALL TO ORDER AND WELCOME

Chair McCormick called the meeting to order at 9:00 a.m.

### Members Present

Bob McCormick, Chair  
Richard Gathright  
Bob Kymalainen  
Rob Nagin  
Nick Sasso, Vice-Chair

### Members Not Present

Fred Dudley  
Dennis Franklin

### Others Present

Robyn Barineau, Executive Director  
Elise Rice, Government Analyst  
Jessica Leigh, Prosecuting Attorney  
Jeffrey Jones, Board Counsel  
Doug Harvey, Building Officials Association of Florida  
Rob von Kampen, Ph.D., International Code Council  
Bill Pancake

Chair McCormick inquired about the absences of Mr. Franklin & Mr. Dudley. Ms. Barineau stated that Mr. Franklin notified the office that he had a conflict and would not be able to attend. Ms. Barineau stated that she did not hear from Mr. Dudley regarding his absence.

The Board discussed the absence of Mr. Dudley and asked Ms. Barineau to research his attendance and take any necessary action. Mr. Kymalainen stated that the Board also needed to know why he was absent.

MOTION: Mr. Nagin made a motion that the Board excuse Mr. Franklin's absence.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

### APPROVAL OF THE AUGUST 21 - 24, 2007, MINUTES OF THE MEETING

MOTION: Mr. Nagin made a motion that the Board approve the minutes as submitted.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

### Letter From Glenn B. Pereno Regarding the Board's Denial of his Request for An Extension of His Provisional Building Code Administrator License

Chair McCormick stated that this was heard at last meeting and the request was denied. No action was required.

The Board asked Ms. Barineau to research as to who is the Building Code Administrator for the City of South Daytona and proceed accordingly.

**DECLARATORY STATEMENT REQUESTS FROM DAVID HODGES:  
DS2007-035 AND DS2007-036 REGARDING SECTION 489.13, FLORIDA STATUTES**

Mr. Jones informed the Board that there were two issues. He mentioned that the Petitioner has questionable standing to request a Declaratory Statement because he is not a licensee of this Board. He also suggested the Declaratory Statements were questionable in nature because Mr. Hodges is dealing with chapters that are not within this Board's jurisdiction. He stated that the purpose for Mr. Hodges' petition is he thought the statutes were not being enforced in the provision where they are found, and he could use the Declaratory Statement as a conclusion where he can do something about the issue.

Mr. Jones informed the Board that his recommendation was that the Board not consider the Declaratory Statements, as they are outside the jurisdiction of the Board.

Following discussion, the following action was taken.

**MOTION:** Mr. Nagin made a motion that the Board not render any decision regarding the declaratory statements as they are outside the scope of the Board.

**SECOND:** Mr. Kymalainen seconded the motion and it passed unanimously.

**REPORTS**

**Chair's Report – Bob McCormick, Chair**

**Report from the Florida Association of Plumbing, Gas, Mechanical Inspectors, Inc., Conference**

Chair McCormick stated that he provided the report for informational purposes.

Chair McCormick appointed Vice-Chair Sasso as the Chair of the Application Committee. He also asked Mr. Gathright to serve on the Examination and Continuing Education Committee.

**Application Review Committee – Nick Sasso  
Ratification List**

Vice-Chair Sasso stated that there was consistency with the Committee and they were of the same mind set. He stated that a number of individuals in the audience knew they were going to be denied even before they had their chance to discuss their situation with the Committee.

Vice-Chair Sasso reported that the Committee reviewed a total of 151 applications. Of this number, 67 were approved and 84 were denied.

**MOTION:** Mr. Nagin made a motion that the Board approve the actions of the Committee.

**SECOND:** Mr. Kymalainen seconded the motion and it passed unanimously.

**MOTION:** Mr. Nagin made a motion that the Board approve the Ratification List as submitted.

SECOND: Mr. Kymalainen seconded the motion and it passed unanimously.

### **Rules and Legislation Committee – Rob Nagin**

Mr. Nagin reported that the Committee met yesterday. They discussed Rule 61G19-9.001, Florida Administrative Code, and voted to proceed with rule making. He stated that Mr. Jones provided an update on the rules.

Mr. Nagin reported that there was a Rules Workshop held regarding the minimum experience requirement and the Committee voted not to move forward.

MOTION: Mr. Kymalainen made a motion that the Board approve the actions of the Committee.

SECOND: Vice-Chair Sasso seconded the motion and it passed unanimously.

### **Examination and Continuing Education Committee – Bob Kymalainen**

Mr. Kymalainen reported that the Committee approved 47 courses and denied nine.

MOTION: Mr. Nagin made a motion that the Board approve the actions of the Committee.

SECOND: Mr. Gathright seconded the motion and it passed unanimously.

### **Executive Committee – Bob McCormick, Chair**

Chair McCormick did not have a report to give at this time.

### **Board Counsel – Jeffrey Jones**

Mr. Jones updated the Board on the Harden vs. Department of Business and Professional Regulation case. He stated that appeal briefs have been filed and they have not been ruled on as of yet. He stated that he will provide updates at the next meeting and perhaps determine if any action needs to be taken on the application review process.

### **Executive Director – Robyn Barineau**

#### **Financial Report – June 30, 2007**

Ms. Barineau discussed the financial report with the Board. She also provided the members with copies of the brochures they had discussed with Michael Green, the Unlicensed Activity Coordinator.

### **Building Code Training Academy Comments – Reminder**

Ms. Barineau reminded the members that November 1 was the deadline for providing comments to her. She stated that she had only received comments from Vice-Chair Sasso.

### **Continuing Education Update**

Ms. Barineau informed the Board that the renewal compliance report showed that 78% of the licensees that had not renewed did not have all of their continuing education. Chair McCormick asked the Building Officials Association of Florida to publicize this fact and remind everyone to check their licenses.

Mr. Nagin stated that he was concerned with the high rate of non-compliance.

Vice-Chair Sasso stated that he wanted to have a list of delinquent licensees after renewal period in the newsletter and on the web page. Mr. Nagin commented that practicing on an inactive license is a violation not the fact that you have an inactive license.

Vice-Chair Sasso reviewed the citation rule with the Board. He stated that he hoped the citation process would take place and he understood from Ms. Leigh that the fine would be \$500.

### **Swimming Pool Permits Information on Webpage**

This was provided for informational purposes.

### **Complaints and Investigative Statistics July 07 – August 07**

This was provided for informational purposes.

### **ICC Update – Rob von Kampen, Ph.D.**

Dr. von Kampen informed the Board that Mr. Jim Lewis, who was present at the last meeting, was unable to attend this meeting due to health issues. He stated that the next pen and paper examination would be in December. He reported that the computer-based testing continued to increase in volume and the streamline data processing was continuing.

Dr. von Kampen reported that the roofing examination had been developed and they were ready to launch it once the Department gives the approval. Mr. Jones stated that the rule process was in the process of being finalized at this time. Dr. von Kampen informed the Board that the first administration will be via paper-and-pencil and then within three months it will be available via computer based testing. He also reported that the modular examinations were complete and they would be only offered as paper-and-pencil due to the low volume of applicants.

### **OLD BUSINESS**

Vice-Chair Sasso stated that the Board needed to review the disciplinary guidelines Rule 61G19-5.002(h), Florida Administrative Code, as misleading, fraudulent representations was discussed yesterday. He stated that a year ago he stated that the fines should be raised but was told the Board could impose any penalty they wanted to. However, he was told the opposite yesterday because a proposed penalty was outside the range of the guidelines. Vice-Chair Sasso suggested that the fine amount be raised to a range of \$2,500 to \$3,500 for first offense and then \$5,000 for the second offense.

Vice-Chair Sasso stated that the state takes the easiest road when it comes to offenses. He stated that he would like to make the fines stiffer and the stipulations that are presented are too lenient. During discussion, Ms. Barineau asked that this be discussed when Ms. Leigh could be present on behalf of the Department.

Chair McCormick stated that a \$1,500 would get his attention. Vice-Chair Sasso stated that it would not get his attention. Mr. Kymalainen stated that he did not care about the dollar amount, and that additional continuing education was more important to him along with probation.

Mr. Jones informed the Board that he agreed with Ms. Barineau that Ms. Leigh should be involved in this discussion. Chair McCormick encouraged Vice-Chair Sasso to review the guidelines and make the changes for discussion at a meeting in the future. He asked that staff be notified in time to get this on the agenda, and he felt that it was worthy of discussion.

Vice-Chair Sasso discussed Chapter 468.629, Florida Statutes, regarding certificate holders being threatened. He questioned if the Board could adopt a resolution to the Attorney General to have the state prosecute an individual without going through the complaint process.

Mr. Jones responded that criminal prosecution is not done by this Board. It is handled by the State Attorney. The State Attorney has jurisdiction and prosecutorial flexibility and forcing them to prosecute a particular case is very difficult.

Following discussion, Ms. Barineau asked the Board to allow her time research this issue and report back at the next meeting.

#### **NEW BUSINESS**

The following meetings have been scheduled:

February 19 – 22, 2008, in Fernandina

April 22-25, 2008, in Miami

June 10-13, 2008, in Naples

#### **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 10:30 a.m.